MISSOULA
COMMUNITY PLANNING, DEVELOPMENT & INNOVATION
Development Services Division
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September 26, 2023

Joe Dehnert
IMEG Corp.
1817 South Avenue West, Suite A
Missoula, MT 59801

RE: Annexation and Rezoning of Tract B of Certificate of Survey No. 6850 and Preliminary Approval of the Icon Apartment Homes at Dougherty Ranch Subdivision and Master Site Plan

Mr. Dehnert,

At its regularly scheduled meeting of August 28, 2023, the Missoula City Council unanimously (8 – 0) voted to annex Tract B of Certificate of Survey No. 6850 into the Missoula municipal boundary and rezone upon annexation to Sxwptqyen Area Form Based Zoning Code transects OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General - Open, T4-R Neighborhood General - Restricted, and T5 Mixed-Use Center based on the findings of fact in the staff report and subject to 37 conditions of annexation approval. Attached please find City Council's annexation resolution that lists each of the conditions.

Also, included in the attached Findings of Fact and Conclusions of Law document, are conditions of preliminary subdivision plat approval approved by City Council. Approval of the preliminary plat application represents approval of the application as submitted and as modified by conditions.

As part of these actions the City Council approved the following motions:

1. Adopt a resolution to annex the subject property legally described as Tract B of Certificate of Survey No. 6850 located in the E1/2 of Section 12, Township 13 North, Range 20 West and the W1/2 of Section 7, Township 13 North, Range 19 West, P.M.M. Missoula County, Montana as shown on Exhibit A, and zone upon annexation to Sxwptqyen Area Form Based Zoning Code transects OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General - Open, T4-R Neighborhood General - Restricted, and T5 Mixed-Use Center, subject to the conditions of approval, based on the findings of fact and conclusions of law in the staff report.

2. Approve the Icon Apartment Homes at Dougherty Ranch Preliminary Plat Application and Master Site Plan, subject to the recommended conditions of approval, based on the findings of fact and conclusions of law in the staff report.

If your client wishes to appeal City Council's decision on the subdivision, the appeal procedure is established in Montana Code Annotated Section 76-3-625(2), which states:

> "A party…who is aggrieved by a decision of the governing body to approve, conditionally approve, or deny an application and preliminary plat for a proposed subdivision may, within 30 days from the date of the written decision, appeal to the district court in the county in which the property involved is located to challenge the approval, imposition of conditions, or denial of the preliminary plat."

The statute includes the applicant within the definition of an aggrieved party.

If you have any questions, please contact me at 406-529-0709 or by email at degrandpred@ci.missoula.mt.us.

Sincerely,

Dave DeGrandpre, Planning Supervisor
Community Planning, Development & Innovation

CC: Eran Pehan, CPDI
Walter Banziger, CPDI
Mary McCrea, CPDI
Troy Monroe, Public Works & Mobility
Steve Reichert, Public Works & Mobility
Eric Anderson, Public Works & Mobility
Ida Sajor, Public Works & Mobility
Nathan McLeod, Parks & Recreation
Lucy Rummler, Parks & Recreation

FINDINGS OF FACT AND CONCLUSIONS OF LAW
ICON APARTMENT HOMES AT DOUGHERTY RANCH
SUBDIVISION, ANNEXATION, REZONING, & MASTER SITE PLAN

GENERAL FINDINGS OF FACT

The following findings of fact are applicable the annexation and rezoning request, subdivision preliminary plat request, and the master site plan request.

1. The subject property is located on Tract B of Certificate of Survey 6850 located in the E ½ of Section 12, Township 13 North, Range 20 West and the W ½ of Section 7, Township 13 North, Range 19 West, P.M.M. (*Subdivision Application, COS 6850*)
2. Surrounding land uses include wholesale beverage distribution, agriculture/vacant land, and planned future residential subdivisions. (*County Property Information System, Development Services files*)
3. The subject property is 44.75 acres, currently vacant, and was most recently used for agriculture. (*COS 6850, Subdivision Application*)
4. The subject property is zoned Sxʷtpqyen Neighborhoods Town Center Neighborhood Unit in the County. (*Subdivision Application, Missoula County Property Information System*)
5. The subject property is within the Urban Growth Area, Utility Services Area Boundary, and the Air Stagnation Zone. (*Missoula County Property Information System*)
6. The subject property abuts Veterans Way, which is classified as an Urban Bike Street, and is planned to be extended along the northern boundary of the subdivision. (*Subdivision Application, Master Site Plans, Road Construction Plans*)
7. The subject property is bisected by the Dougherty Drive Road Easement. (*COS 6850 and Prior Subdivision History*)
8. The subject property is within floodplain designation Zone X, Area of Minimal Flood Hazard. (*FEMA Map Service Center*)

GROWTH POLICY AND ZONING FINDINGS OF FACT

The following findings of fact are applicable the annexation preliminary subdivision plat, and the master site plan request.

1. The Sxʷtpqyen Neighborhoods Master Plan, which is an amendment to the Our Missoula Growth Policy, is the applicable regional plan. The Master Plan recommends development based on neighborhood units. The subject property is located within the Town Center Neighborhood Unit. *(Sxʷtpqyen Neighborhoods Master Plan, Title 21)*
2. The Town Center Neighborhood Unit requires a mix of transect zones. Between 5% and 30% of the area must be zoned T3 Edge (6 to 8 dwelling units per acre); 30% to 60% of the area must be zoned T4-R Neighborhood General – Restricted and/or T4-O Neighborhood General – Open (12 to 36 dwelling units per acre for both). The Town Center neighborhood unit also requires 10% to 50% of the area to be zoned T5 Mixed-Use Center. The minimum OS Open Space zoning requirements are calculated per Title 21, Section 2.1.C. (*Table 2-1 & Section 2.1.B.2.b, Title 21*)
3. Title 21, Section 1.4.E states all fractional results of calculations required by the code shall adhere to standard rounding rules.

4. Upon annexation, the applicant requests to zone 4.5% of the net lotted area proposed for development to zone T3, 57.4% to zones T4-O and T4-R, and 22.1% to T5, in compliance with the transect zone requirements of the Town Center Neighborhood Unit.
5. Title 21 Table 3-1 provides minimum and maximum residential development densities for each transect. The T3 transect allows 6 to 8 dwelling units per acre. The proposed density in the T3 transect is 7.2 dwelling units per acre. The T4-O and T4-R transects allow 12 to 36 dwelling units per acre. The proposed density in the T4-O and T4-R transects is 21.1 dwelling units per acre and 21.6 dwelling units per acre, respectively. The T5 transect allows 24 to 72 dwelling units per acre. The proposed density in the T5 transect is 25 dwelling units per acre. *(Title 21 Table 3-1, Master Site Plans)*
6. For more information on how the minimum OS Open Space and parkland dedication requirements are calculated, see the Subdivision section of this report.
7. The subject property contains soils designated as prime farmland if irrigated. *(Custom Soil Resource Report for Missoula County Area)*
8. The southwestern portion of the property is located within the Missoula Airport Extended Arrival and Departure Area (EADA) where additional requirements apply to development. Within the EADA zone, there is a maximum residential density of four dwelling units per acre and a requirement that residential development be clustered so that at least 50% of the master site plan area within the EADA zone is open space (*2.1.E.2, Title 21 Zoning Code*). The proposed density is 3.39 dwelling units per acre in the EADA zone. Lots zoned for development in the EADA zone are clustered so that 78% of the master site plan area within the EADA zone is open space. (*Master Site Plans*)
9. All lot dimensions and block perimeters shown on the preliminary plat comply with the requirements of Title 21, Table 3-1. (*Preliminary Plat, Master Site Plans*)
10. Title 21, Section 3.1.C requires that each transect zone contains at least three different permitted residential building types. In the T3 transect zone, villa, mansion apartment, and duplex residential building types are proposed. In the T4-O and T4-R transect zones, apartment, mansion apartment, duplex, and row houses are proposed. In the T5 transect zone, apartment, mansion apartment, and row house building types are proposed. (*Master Site Plans*)
11. The proposed zoning allocation and specifications comply with the Sxʷtpqyen Neighborhoods Master Plan, the Town Center Neighborhood Unit type, and Title 21 Zoning Code, if the recommended conditions of approval are imposed.

ANNEXATION FINDINGS OF FACT AND CONCLUSIONS OF LAW

Introduction

1. Development Services received a property owner Dougherty Ranch, LLC, for annexation of 44.75 acres into the City of Missoula and zoning upon annexation to Title 21 transect zones OS Open Space, T3 Neighborhood Edge, T4-O Neighborhood General – Open, T4-R Neighborhood General – Restricted, and T5 Mixed-Use Center.

Property Information

2. The findings of fact located in previous Sections of this document shall be considered a part of and incorporated herein by reference.
3. The subject property is adjacent to city limits to the northwest (Missoula Airport) and northeast (Veterans Affairs clinic). The Sapphire Place Subdivision to the southeast was also recently annexed into City limits. (*Missoula County Property Information System, Resolution 8690*)

4. Upon annexation, the subject property would become part of City Council Ward 2 and the Captain John Mullan Neighborhood Council. *(Missoula Council Wards and Neighborhoods Map)*
5. Upon annexation, the subject property would be added to the service area for City Fire and Police Departments.
6. The subject property abuts the western extent of Veterans Way, which is within the City of Missoula municipal boundary. The subject property is bisected by the Dougherty Drive road easement. Upon annexation, the full width of Dougherty Drive within the subject property would be annexed. (*Missoula County Property Information System, COS 6850, Montana Code Annotated 7-2-4211*)

Annexation Request

7. The property owners, Brian Dougherty and Sean Dougherty of Dougherty Ranch, LLC, filed Petition No. 10157 requesting the annexation of the property. (*Annexation Petition*)

Annexation Policy

8. The subject property is within Annexation Area "A" on the City Annexation Policy Map. Areas designated as Annexation Area "A" largely meet the guidelines of the City's Annexation Policy. Per the City Annexation Policy, the City should prioritize the annexation of areas located within Annexation Area "A".
9. The subject property is within the Urban Growth Area and Utility Service Area. Per the City Annexation Policy, the City should prioritize the annexation of areas located within the Utility Service Area.
10. The area proposed to be annexed is adjacent to Missoula city limits on the eastern property boundary. Though not directly adjacent, properties to the south, west, and north of the subject property are within city limits. (*Missoula County Property Information System*). Per the City Annexation Policy, the City should prioritize the annexation of properties that contribute to the logical growth pattern of the City by creating orderly and contiguous municipal boundaries, and properties that would fill gaps left by previous annexations that created islands and non-contiguous boundaries. Annexation of the subject property would fill in a gap in City limits created by previous annexations.
11. Per the City Annexation Policy, the City should prioritize the annexation of areas that meet current City standards including water, sewer, and transportation infrastructure, and equitably provide the same levels of service and infrastructure as other parts of the municipality with similar topography, land use, and population density. This is reflected in the recommended annexation and subdivision conditions of approval relating expanding City water, sewer, transportation facilities, and municipal services to future development on this property at the same levels of service as other parts of the City.

Growth Policy and Zoning

12. The City Annexation Policy states that any annexation by the City should be guided by the current City Growth Policy applicable to the area.
13. The findings of fact located in the Growth Policy and Zoning Findings of Fact section are incorporated herein by reference.
14. The requested zoning upon annexation complies with the recommendations of the Sxʷtpqyen Neighborhoods Master Plan, the Town Center Neighborhood Unit type, and Title 21.
15. Missoula County adopted the Sxʷtpqyen Neighborhoods Master Plan and the Sxʷtpqyen Neighborhoods Zoning Code. The current county zoning for the subject property is the Town Center Neighborhood Unit, which was applied in anticipation of future development and

municipal zoning to transects permitted within the Town Center Neighborhood Unit. (*Missoula County Property Information System*) The current county zoning aligns with the proposed zoning.

Airport Influence Area

16. The subject property is located within the Airport Influence Area (AIA) Overlay, which is an overlay established to promote public health, safety, and general welfare, to protect the lives and property of users of the airport and of occupants of land in its vicinity, and to preserve the utility of the airport and the public investment in it. *(Airport Influence Area Resolution)*
17. Staff recommended a condition of approval requiring the applicant to obtain an avigation easement from the Airport Authority, in compliance with the Airport Influence Area Resolution.

Street Improvements, Non-Motorized Improvements, Transit, and Utility Infrastructure

Streets, Alleys, and Non-Motorized

18. Findings of fact for conditions of approval regarding streets, alleys, and non-motorized facilities are located in the Subdivision section of this document (below) and are incorporated herein by reference.
19. In order to meet current City standards and the Annexation Policy, staff recommended conditions of approval requiring the applicant to provide plans for and installation of improvements to all streets (including boulevards), alleys, and non-motorized transportation facilities shown on the preliminary plat and plans. Additionally, staff recommended a condition of approval requiring additional right-of-way for Veterans Way to meet current City standards.
20. The street, alley, and non-motorized infrastructure within the proposed annexation area will equitably provide the same levels of service and infrastructure as other parts of the municipality with similar zoning if the recommended conditions of approval are imposed.

Transit

21. The nearest Mountain Line bus stop is located approximately 800 feet from the subject property, at the intersection of Veterans Way and Mary Jane Boulevard. This bus stop serves Route 11. (*Section B, Bus Route Map, Updated Mountain Line Routes*)
22. The subject property is within the Hellgate Elementary and Middle School district as well as the Big Sky High School district. The Hellgate schools are located approximately 0.51 miles from the southeast corner of the subject property. (*Missoula County Property Information System*) The nearest school bus stop serving Big Sky High School is located at the intersection of England Boulevard and Mary Jane Boulevard, approximately 0.44 miles from the southeast corner of the subject property. *(Bus Map)*
23. To comply with the City Annexation Policy and to help expand future transit service, staff recommended a condition of approval that states the applicant shall petition the proposed annexation area into the Missoula Urban Transportation District.

Fire Protection

24. To provide the same level of service and infrastructure as other parts of the municipality with similar zoning, including adequate protection from fire, staff recommended a condition of approval requiring the applicant to provide plans for fire suppression water flow and hydrant placement prior to final plat approval for each subdivision phase. The staff recommended condition of approval requires the applicant to install fire hydrants prior to combustible construction for each phase.
25. To provide the same level of service and infrastructure as other parts of the municipality with similar zoning, including adequate protection from fire and other dangers, staff recommended a

condition of approval requiring two separate and approved fire apparatus access roads prior to final plat approval of Phase 1 of the Icon Apartment Homes at Dougherty Ranch Subdivision.

Utilities

26. The findings of fact for approval conditions for utilities located in the Subdivision section of this report shall be considered incorporated herein by reference.
27. In accordance with City policies and following annexation, future development of the property must include approved design, installation, and connection to municipal water and sewer services. The Annexation Policy states the City should prioritize the annexation of areas that meet current city standards, including water and sewer infrastructure.
28. The subject property is vacant and therefore no structures are connected to city water or sewer. *(City Central Maps)* New construction will be required to connect to city sewer and water. The application materials include a water and sanitation report and utility construction plans to serve future development.
29. The subject property is within the Utility Service Area. *(Missoula Utility Service Area Viewer Map)*
30. To meet the Annexation Policy and current City Standards, staff recommended a condition of approval requiring the applicant to provide plans for and installation of water supply and sewage disposal facilities.
31. The utility infrastructure within the proposed annexation area will equitably provide the same levels of service and infrastructure as other parts of the municipality if the recommended conditions of approval are imposed.

Statutory Requirements

32. Section 7-2-4211 MCA requires municipalities to include the full width of any public street or road right-of-way that are adjacent to the property being annexed.
33. The subject property is adjacent to the western extent of Veterans Way, which the Missoula City Council annexed in 2019. *(Resolution 8399)*
34. The subject property includes the full width of the Dougherty Drive road easement. *(COS 6850)*
35. The City met the statutory requirements for a petition method annexation in regards to MCA 7-2-4601 and MCA 76-2-303 by considering the petition, adopting a resolution of intent to annex and rezone the property, holding a public hearing regarding the zoning upon annexation, and advertising public notice for at least 15 days prior to the public hearing. The final step for council was to adopt a resolution to adopt, adopt with conditions, or deny the resolution to annex and rezone the property.

Zoning Upon Annexation

36. MCA 76-2-303 allows a municipality to conduct a hearing on the annexation in conjunction with a hearing on the zoning of the property proposed for annexation. MCA 76-2-303 outlines the three review criteria which may be considered for zoning upon annexation. The following are the three criteria and City Council's assessment as to whether the annexation complies with the criteria. An annexation must comply with at least **one** of the criteria. The zoning district classification assigned at the time of annexation must:

    a. Authorize land uses comparable to the land uses authorized by [the] county zoning [classification that applied to the property immediately before it was annexed in the city]; or

    Assessment

i. The Missoula Board of County Commissioners and the Missoula City Council both adopted the Sxwtpqyen Neighborhoods Form Based Zoning Code.

ii. The current county zoning classification is Sxwtpqyen Neighborhoods Town Center Neighborhood Unit type.

iii. The proposed zoning complies with the Town Center Neighborhood Unit type.

iv. The proposed city zoning districts are comparable to the County zoning because the County's zoning requirements at the time of development would be the same as the city's.

v. City Council determined the proposed zoning complies with MCA 76-303(3)(a)(i).

b. Authorize land uses that are consistent with [the] land uses approved by the Board of County Commissioners or the County Board of Adjustment; or

Assessment

i. The Missoula Board of County Commissioners and the Missoula City Council both adopted the Sxwtpqyen Neighborhoods Master Plan and applied a Town Center Neighborhood Unit type to the subject property.

ii. The proposed zoning complies with the Sxwtpqyen Neighborhoods Master Plan and the Town Center Neighborhood Unit type.

iii. The proposed City zoning districts and allowed land uses are comparable to land uses approved by the Board of County Commissioners.

iv. City Council determined the proposed zoning complies with MCA 76-303(3)(a)(ii).

c. Be consistent with the zoning requirements recommended in the growth policy [as set forth in the Swxtpqyen Neighborhoods Master Plan].

Assessment

i. The Swxtpqyen Neighborhoods Master Plan is the applicable Growth Policy. The Master Plan recommends development based on neighborhood units and the subject property is located within the Town Center Neighborhood Unit type.

ii. The proposed zoning complies with the Sxwtpqyen Neighborhoods Master Plan and the Town Center neighborhood unit type.

iii. Based on compliance with the criteria in MCA 76-2-303(3)(a)(iii), staff recommended annexation of the subject property and zoning upon annexation to OS Open Space, T3 Edge, T4-R Neighborhood General – Restricted, T4-O Neighborhood General – Open, and T5 Mixed-Use Center subject to the recommended conditions of approval.

iv. If the City Council did not approve the request to annex the subject property and/or the zoning upon annexation of the subject property, the Resolution to Annex and the zoning upon annexation of the property would become null and void, and the property would revert to its original status in the County of Missoula.

ICON APARTMENT HOMES AT DOUGHERTY RANCH SUBDIVISION AND MASTER SITE PLAN

CONDITIONS OF SUBDIVISION APPROVAL

Zoning

1. Approval of the Icon Apartment Homes at Dougherty Ranch Subdivision Preliminary Plat and Master Site Plans shall be contingent upon City Council approval of the annexation and zoning upon annexation.

Streets, General

2. The following statement shall appear on the face of each plat and on each instrument of conveyance, subject to review and approval by Public Works & Mobility and Development Services: "Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for future improvements and maintenance of Veterans Way, Ella Missoula Avenue, Charles Liberty Lane, Dougherty Drive, John Edward Lane, Roper Way, Abner Grier Road, and Pine Butte Boulevard including but not limited to paving, curbs and gutters, non-motorized facilities, street widening and drainage facilities." *(5-050.3.AA, 5-050.3.BB, & 3-020.3.A.1, City Subdivision Regulations)*

3. The subdivider shall provide plans for and install street and trail signage and striping for the entire subdivision, subject to review and approval by Public Works & Mobility and Parks and Recreation, prior to final plat approval of each phase. (3-020.4.H.2, *City Subdivision Regulations*)

4. The subdivider shall finalize street names for all streets within the subdivision subject to review and approval of the Missoula County Public Works Department and City Council prior to final plat filing of Phase 1. *(Section 3-020.12 City Subdivision Regulations)*

Specific Streets and Alleys

5. Within the subdivision property, the subdivider shall provide plans for and install improvements for Dougherty Drive, a neighborhood collector street, including driving lanes, parking lanes, curbs and gutters, stormwater facilities, landscaped boulevards, street lights, bike lanes, and sidewalks within a 90-foot right-of-way easement, as shown on the preliminary plat and plans subject to review and approval by Public Works & Mobility, prior to final plat filing of Phase 1. *(City Subdivision Regulations Section 3-020 and Sxwtpqyen Form Based Zoning Code Division 6)*

6. The subdivider shall provide plans for and install improvements for Dougherty Drive extending from the southern property boundary and connecting to England Boulevard, including driving lanes, two-foot shoulders, roadside ditches, and a 10-foot multi-use path, prior to final plat approval for Phase 1, unless portions are already installed by others. *(3-020.4.D, City Subdivision Regulations)*

7. The subdivider shall provide plans for and install half-street improvements for Pine Butte Boulevard, a main street primary street, including two drive lanes, parking lane, curb and gutter, sidewalk, landscaped boulevard, street trees, and stormwater facilities as shown on the preliminary plat and plans within a 54-foot public right-of-way and public access and utility easement subject to review and approval by Public Works & Mobility prior to final plat approval of each phase. *(City Subdivision Regulations Section 3-020 and Sxwtpqyen Form Based Zoning Code Division 6)*

8. The subdivider shall provide plans for and install Roper Way, an urban secondary street, including two drive lanes, parking lane, curb and gutter, sidewalks, landscaped boulevards (includes landscaped parking islands and tree wells, with topsoil as specified in the Missoula City Public Works Standards and Specifications Manual), street trees, and stormwater facilities as shown on the preliminary plat and plans within a 60-foot public right-of-way subject to review and approval by Public Works & Mobility prior to final plat approval of Phase 1. *(City Subdivision Regulations Section 3-020 and Sxwtpqyen Form Based Zoning Code Division 6)*

9. The subdivider shall provide plans for and install half-street improvements for Ella Missoula Avenue, an urban secondary street, including two drive lanes, parking lane, curb and gutter, sidewalks, landscaped boulevards (includes landscaped parking islands and tree wells, with topsoil as specified in the Missoula City Public Works Standards and Specifications Manual), street trees, and stormwater facilities as shown on the preliminary plat and plans within a 43.5-foot public right-of-way and public access and utility easement subject to review and approval of Public Works & Mobility, prior to final plat approval of Phase 2. *(City Subdivision Regulations Section 3-020 and Sxwtpqyen Form Based Zoning Code Division 6)*

10. The subdivider shall provide plans for and install half street improvements to Veterans Way, an urban bike street, including two drive lanes, parking lane, curb and gutter, bike lane with protection strip, landscaped boulevard, street trees, sidewalk, and stormwater facilities as shown on the preliminary plat and plans within a varying width public right-of-way and public access and utility easement subject to review and approval by Public Works & Mobility prior to final plat approval of each phase. *(City Subdivision Regulations Section 3-020 and Sxwtpqyen Form Based Zoning Code Division 6)*

11. The subdivider shall provide plans for and install woonerf streets John Edward Lane and Charles Liberty Lane, shared drive lanes, alternating parking lane and landscaped boulevards on either side, curbs and gutters, sidewalks, and stormwater retention within 56.5-foot public right-of-way, as shown on the preliminary plat and plans, subject to review and approval by Public Works & Mobility prior to final plat approval of each phase. *(City Subdivision Regulations Section 3-020 and Sxwtpqyen Form Based Zoning Code Division 6)*

12. The subdivider shall provide plans for and install Abner Grier Road, a neighborhood street, including drive lanes, curbs and gutters, parking lane on one side, landscaped boulevards, sidewalks, and stormwater retention within a 60-foot public right-of-way as shown on the preliminary plat and plans, subject to review and approval by Public Works & Mobility, prior to final plat approval of each phase. *(City Subdivision Regulations Section 3-020 and Sxwtpqyen Form Based Zoning Code Division 6)*

13. The subdivider shall provide plans for and install alleys within the subdivision, including a minimum pavement width to satisfy fire apparatus access route requirements and stormwater facilities within 24-foot wide public access with private maintenance easements, as shown on the preliminary plat and plans, subject to review and approval by Public Works & Mobility, prior to final plat approval of each phase. *(City Subdivision Regulations Section 3-020 and Sxwtpqyen Form Based Zoning Code Division 6)*

Non-Motorized Transportaton

14. The subdivider shall provide plans for and install Trail A with a 10-foot paved surface, 1-foot shoulders, 12-foot planting strips along the north and south sides, within a 36-foot public right-

of-way easement subject to review and approval of Public Works & Mobility and Parks & Recreation prior to final plat of each phase. The subdivider may provide an amendment to the existing right-of-way agreement addressing impact fee offsets / reimbursement for installation of costs for these improvements pursuant to Title 15, subject to review and approval of Public Works & Mobility, prior to final plat approval of Phase 1. *(3-020.15.F.1 City Subdivision Regulations)*

15. The subdivider shall provide plans for and install the Trail Street between Lots 16 and 17 extending from the RMB Subdivision to the sidewalk on the east side of Roper Way. The trail street shall be built with a 12-foot paved surface with 14-foot planting strips along the north and south sides within a 40-foot right-of-way easement, subject to review and approval of Public Works & Mobility and Parks & Recreation, prior to final plat approval of Phase 1. *(3-020.15.F.1 City Subdivision Regulations)*

Transit

16. The subdivider shall petition for the property to be included in the Missoula Urban Transportation District, subject to review and approval by Development Services, prior final plat approval of Phase 1. *(City Annexation Policy)*

Rights-of-Way and Easements

17. All proposed rights-of-way and easements shall be shown on the face of each plat and identified for their width, purpose, and the recorded book and page numbers, in accordance with Missoula City Public Works Standards and Specifications Manual, subject to review and approval by Public Works & Mobility, prior to final plat approval for each applicable phase. (*3-020.3.B & 3-060.1, City Subdivision Regulations*, *Title 21 Section 2.3.D.2.e*)

Grading and Drainage

18. The subdivider shall provide plans for and installation of grading, drainage, and stormwater facilities, subject to review and approval by Montana Department of Environmental Quality and Public Works & Mobility, prior to final plat approval of each phase. (5-020.11, *City Subdivision Regulations*)

Water Systems, Sewer Systems, and Solid Waste Disposal

19. The subdivider shall provide plans for and installation of water supply and sewage disposal facilities for review and approval by Public Works & Mobility, City/County Health Department, and Montana Department of Environmental Quality prior to final plat approval for each phase. Construction of all water supply and sewer systems shall be in accordance with City policies. *(3-010.5, City Subdivision Regulations*)

20. The subdivider shall submit plans for solid waste disposal for review and approval of Public Works & Mobility, City/County Health Department, and Montana Department of Environmental Quality, prior to final plat approval for each phase. (3-070.1, *City Subdivision Regulations*)

Parkland Dedication, Boulevard Landscaping & Noxious Weeds

21. The subdivider shall meet the parkland dedication requirement by providing a minimum of 5.64 acres of parkland / open space as shown on the preliminary plat and master site plans. The parkland / open space areas are to be developed privately and maintained privately. The designated open space areas shall be accessible to the public. *(3-080, City Subdivision Regulations, Swxtpqyen Form Based Code Section 3.11.C.2a)*

22. Within Phase 1, the subdivider shall provide a minimum of 2.52 acres of parkland / open space and cash in lieu of land and within Phase 2, the subdivider shall provide a minimum of 3.12

acres of parkland, as shown on the preliminary plat and plans. When cash in lieu of land is proposed, the land valuation shall follow the methodology in City Subdivision Regulations Section 3-080.7, subject to review and approval of Parks & Recreation, prior to final plat approval of each phase. *(3-080, City Subdivision Regulations)*

23. Prior to final platting of each phase, the subdivider shall provide plans for and install the parkland / open space areas as described in Chapter 3 of the Sxwtpqyen Master Plan and as proposed in the master site plan exhibits, and as described in the subdivision application (Page 33). Plans and installation shall include grading, application of topsoil, installation of commercial grade irrigation systems, turf grass or dryland grass, installation of park trees, and installation of park improvements so that they comply with the term "pocket park" as defined in Chapter 3 of the Sxwtpqyen Master Plan. Plans shall be subject to review and approval by City Parks & Recreation prior to final plat approval of each phase. *(Master Site Plans, Section 3.11.C.2.a Sxwtpqyen Form Based Code, Section 5-020.14.K.10, City Subdivision Regulations)*

24. The subdivider shall draft an agreement for review and approval by the Parks & Recreation Department and the City Attorney's Office to provide for the dedication of land and/or payment of money lieu of parkland prior to final platting of each phase. The agreement shall provide for different circumstances including where if the subdivider pays cash in lieu of parkland in Phase 1, when additional parkland is provided in Phase 2 that exceeds the required amount of parkland in that phase, the subdivider may be reimbursed a portion of the deposited funds so that the total parkland dedication requirement of 5.64 acres is ultimately met. The agreement shall be submitted, reviewed, and approved prior to final plat filing of Phase 1. *(3-080, City Subdivision Regulations)*

25. The subdivider shall provide plans for and installation of boulevard landscaping adjacent to Common Area/Parkland and Open Space areas, subject to review and approval by Parks and Recreation, prior to final plat approval of each phase. (5-050.5.C*, City Subdivision Regulations*)

26. The subdivider shall provide plans for boulevard landscaping and landscape plans for all streets, trails, parking lots, in accordance with the Public Works Standards and Specifications Manual, subject to review and approval by Parks and Recreation, prior to final plat approval of each phase. *(5-050.5.C City Subdivision Regulations)*

27. The property owner shall be responsible for obtaining boulevard landscaping permits prior to building permit approval and for installation of boulevard landscaping adjacent to development prior to certificate of occupancy. Temporary Certificate of Occupancy will be granted and held in place for occupancy occurring after the growing season and until boulevard and tree establishment has been approved by Urban Forestry. *(City Parks and Recreation Design Manual)*

28. The subdivider shall provide a Weed Management and Revegetation Plan, appended to the Development Covenants and approved by the Missoula County Weed District, subject to review and approval by Development Services, prior to final plat approval for Phase 1. (5-010.14.K, *City Subdivision Regulations*)

Fire Protection

29. The subdivider shall provide plans for fire suppression water flow and hydrant placement, subject to review and approval by City Fire Department and Public Works & Mobility, prior to final plat approval for each phase. The subdivider shall install fire hydrants prior to combustible

construction for each phase, subject to review and approval by City Fire Department and Public Works & Mobility. *(3-010.1.F, City Subdivision Regulations*)

30. The subdivider shall ensure two separate and approved fire apparatus access roads are provided prior to final plat of Phase 1, subject to review and approval of City Fire Department and Public Works & Mobility. *(2021 International Fire Code, Appendix D)*

Irrigation

31. Unless otherwise provided under separate written agreement, the subdivider shall provide and dedicate on each final plat easements to allow for delivery of water for irrigation to persons and land legally entitled to the water in locations of appropriate topographic characteristics and of sufficient width to allow for physical placement and unobstructed use and maintenance of irrigation facilities. The easements shall provide for irrigation water conveyance through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. The easements shall be reviewed and approved by Development Services and Public Works & Mobility prior to final plat filing of each phase. *(3-060.3 and 3-060.5 City Subdivision Regulations)*

Ground Water

32. The subdivider shall include the following note on each final plat and in the Development Covenants: “Basements shall be prohibited in all phases until such time as the developer provides sufficient evidence to the appropriate agencies that no threat to the public safety or loss of property will result in those areas proposed for basements”, subject to review and approval by Development Services and Public Works & Mobility, prior to final plat approval for Phase 1. (3-010.2, *City Subdivision Regulations*)

Airport Influence Area and EADA Zone

33. The subdivider shall obtain an avigation easement from the Missoula Airport Authority in compliance with the Airport Influence Area Resolution, and present evidence of the easement, subject to review and approval of Development Services, prior to final plat approval for Phase 1. *(Missoula Airport Influence Area Resolution)*

34. The final plat shall include the following statement: “This property is in the airport influence area and subject to the requirements of the Airport Influence Area Resolution. The Icon Apartment Homes at Dougherty Ranch Subdivision contains lots within the Missoula Airport Extended Approach and Departure Area and lot owners should be aware of the resultant safety risk,” subject to review and approval of Development Services, prior to final plat approval for Phase 1. (3-010.2, *City Subdivision Regulations; Airport Authority Comment*)

Development Covenants

35. The subdivider shall submit final Development Covenants meeting the requirements of City Subdivision Regulations Section 5-020-14.K, subject to review and approval by Development Services, prior to final plat approval of Phase 1. *(5-020-14.K, City Subdivision Regulations)*

36. The subdivider shall include the following statement in the Development Covenants, subject to review and approval by Development Services, prior to final plat approval for Phase 1: “Sections of the Development Covenants regarding common area maintenance, wood burning devices, weed control, agricultural operations, radon mitigation, basements, water rights, SID/RSID, and fire protection may not be amended or deleted without written approval by the governing body.” *(5-010.14.K & 3-010.2, City Subdivision Regulations)*

37. The subdivider shall include the following note on the final plat for each phase and in the Development Covenants: “Basements shall be prohibited until such time as the owner provides sufficient evidence to the City of Missoula Public Works & Mobility Department that no threat to the public safety or loss of property will result due to groundwater in those areas proposed for basements.” *(Effects on Public Health& Safety)*

SUBDIVISION FINDINGS OF FACT

A. ZONING AND COMPREHENSIVE PLAN COMPLIANCE

Findings of Fact*:*

1. City Subdivision Regulations Section 3-010.1 requires the subdivision application to be reviewed for compliance with the Sxwtpqyen Neighborhoods Master Plan, which is the applicable growth policy for the area.
2. The findings of fact located in the General Findings of Fact section of this document are incorporated here by reference.
3. The findings of fact located in the Growth Policy and Zoning Findings of Fact of this document are also incorporated here by reference.
4. Section 3-010.B of the City Subdivision Regulations states that subdivision plats must comply with the Missoula City Zoning Ordinance. The applicable Missoula City Zoning Ordinance is Title 21.
5. Staff recommended a condition of approval stating approval of the subdivision and master site plan is contingent upon City Council approval of the annexation. For City Council to approve the subdivision, all land must be within city limits.

Conclusion of Law:

1. City Council concluded the subdivision complies with the Sxwtpqyen Neighborhoods Master Plan, the Town Center Neighborhood Unit type, and Title 21 Zoning Code, subject to the recommended conditions of approval.
2. City Council determined that per state law MCA 76-1-605(2)(b), no land use proposal shall be conditioned or denied based solely upon the lack of compliance with the Growth Policy.

B. PRIMARY CRITERIA COMPLIANCE

CRITERION A AND B: IMPACT ON AGRICULTURE AND AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

Agriculture

1. Section 5-020.6.A of the City Subdivision Regulations states the subdivider must demonstrate the subdivision proposal will have no adverse impacts on agriculture, or must identify the adverse impacts and describe proposed avoidance and mitigation efforts that will be used to mitigate the adverse impacts. The regulations state mitigation of adverse impacts will not be based on a loss of agricultural soils, and set aside of land or monetary contribution for the loss of agricultural soils will not be required.
2. The application packet states the subject property has periodically been leased predominantly for fallow (i.e., unplanted) crop production. *(Page 10, Subdivision Application*)

3. The Natural Resources Conservation Service (NRCS) Soil Survey shows 100% of the subject property has a soil type classified as Prime Farmland if Irrigated. *(NRCS Farmland Classification Soils Map and Soils Report*)
4. To conserve soils classified as Prime Farmland if Irrigated, the proposed subdivision contains 5.4 acres of open space / parkland areas which make up 12% of the subject property *(Preliminary Plat, Page 3, Subdivision Application*).
5. Surrounding parcels contain agricultural uses. The subdivider has included language in the development covenants to apprise future residents of the adjacent agricultural operations and the potential for noise, dust, and odors to mitigate potential impacts from the subdivision on nearby agricultural operations. (*Draft Covenants*)
6. The property is located in the Sx^{w}tpqyen Neighborhoods Master Plan area and is currently zoned Town Center Neighborhood Unit, which is intended to facilitate urban development. *(Title 21 Divisions 2 and 3)*

Agricultural Water Users

7. Section 5-020.6.B of the City Subdivision Regulations states in areas where agricultural water user facilities exist on the subject property or adjoin the property, the application packet must identify the agricultural water user, describe any proposed changes to the agricultural water use, and describe alterations to availability of water.
8. Dougherty Ranch, LLC owns groundwater rights associated with the property. An offsite well is the point of diversion. The water rights are planned to be transferred to the subdivider along with the sale of the land. The subdivider has not indicated plans to use the water on the property, but has also not indicated plans to sever water rights from the land. *(Page 12, Subdivision Application, Water Rights Abstract; Personal Communication with Joe Dehnert of IMEG).*
9. The property has an existing irrigation wheel line for delivering irrigation water to the property and to land to the north and south, which is also owned by Dougherty Ranch, LLC. The developer plans to remove the irrigation wheel line. There are no ditches or other agricultural water user facilities on or adjacent to the property. *(Page 12, Subdivision Application, Existing Conditions Exhibit*)
10. Section 3-060.3 of the City Subdivision Regulations requires the subdivider to provide irrigation easements to allow for delivery of water for irrigation to persons and land legally entitled to the water.
11. Section 3-060.5 of the City Subdivision Regulations states the subdivider must, unless otherwise provided under separate written agreement or filed easement, dedicate on the final plat easements for the unobstructed use and maintenance of irrigation facilities that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights.
12. Staff recommended a condition of approval requiring irrigation easements to be shown on each plat to allow for delivery of irrigation water and maintenance of irrigation facilities to persons and land legally entitled to the water.

Conclusions of Law:

1. City Council found the subdivision would prevent use of productive soils for agriculture. However, Council also found that Section 5-020.6.A of the City Subdivision Regulations states mitigation of adverse impacts will not be based on a loss of agricultural soils, and set aside of land or monetary contribution for the loss of agricultural soils will not be required.

2. City Council determined the property is located within the Sxʷtpqyen Neighborhoods Master Plan, which provides a plan for urban development in this area. The property is zoned Town Center Neighborhood Unit, which is intended to facilitate urban development of this property.
3. City Council found no impacts to agricultural water users or water user facilities are foreseen as a result of this subdivision, if the recommended conditions of approval are imposed.

CRITERION C: IMPACT ON LOCAL SERVICES

1. Section 5-020.6.C of the City Subdivision Regulations states the subdivider must identify services and evaluate the impacts on those services including transportation elements, utilities, water supply, sewage disposal, and solid waste disposal, schools emergency services, and information pertaining to residential units and taxation.
2. Section 3-010.5 of the City Subdivision Regulations states the subdivision must be served by adequate public facilities and services such as transportation systems (including nonmotorized), parking, policy and fire protection, drainage structures, solid waste disposal, water supply, and sanitary sewage disposal; or the subdivider will provide adequately for such services.

Findings of Fact: Transportation Elements

Transportation Elements: Generally:

3. An existing 80-foot road easement for Dougherty Drive runs north-south through the middle of the property. Dougherty Drive is planned to be a collector street that ultimately extends north from England Boulevard, through the subject property, to West Broadway. *(COS 6850, City of Missoula Development Map)*
4. The subdivider proposes to access the subdivision via Veterans Way, which currently terminates at the northeast corner of the property. Veterans Way is planned to be extended westward across the north property boundary. Five north-south streets are proposed to connect to Veterans Way: Ella Missoula Avenue, Charles Liberty Lane, Dougherty Drive, John Edward Lane, and Roper Way. Roper Way is planned to connect to the adjoining Sapphire Place Subdivision to the east. (*COS 6850, Preliminary Plat, Master Site Plans*)
5. Three new streets are planned to run east-west, connecting this subdivision to existing and planned development: Veterans Way, Abner Grier Road, and Pine Butte Boulevard. Pine Butte Boulevard is also planned to connect to the Sapphire Place Subdivision. (*COS 6850, Preliminary Plat, Master Site Plans*)
6. Trail A, which has yet to be named but is shown on the Master Site Plans as Flynn Trail, is planned to extend westward from the Sapphire Place Subdivision across the property. Trail A is planned to have a 10-foot paved surface and 12-foot planting strips on both sides within a 36-foot right-of-way easement. This multi-purpose pathway is planned to eventually extend from the future Grant Creek Trail to Hellgate Elementary School. (*Master Site Plans*)
7. Section 3-020.3.A.1 of the City Subdivision regulations requires each public street to provide for construction and have perpetual access and maintenance. Sections 5-050.3.AA and 5-050.3.BB of the City Subdivision regulations require a Special Improvement District (SID) waiver statement to be provided on the face of each plat and on each instrument of conveyance. Staff recommended a condition of approval requiring a SID/RSID statement on each plat and on each instrument of conveyance for future improvements to all of the future streets within and adjacent to the subject property.
8. Section 3-020.4.H.2 of the City Subdivision regulations requires street signs and traffic control devices to be approved by the City Engineer and consistent with the Manual on

Uniform Traffic Control Devices adopted by the Montana Department of Transportation. Staff recommended a condition of approval requiring the subdivider to provide a trail and street signage plan in accordance with the Manual on Uniform Traffic Control Devices, subject to review by Public Works & Mobility, prior to final plat approval of Phase 1, with installation of all signage prior to final plat approval of each applicable phase.

9. Section 3-020.12 of the City Subdivision Regulations requires street names to be reviewed and approved by City Council. Preliminary street names are provided on the preliminary plat. Street names must also be approved by the Missoula County Public Works Department to ensure non-duplication and proper addressing for emergency responders. Staff recommended a condition of approval to address street naming prior to final plat approval.
10. Section 3-020.4.J states the City Engineer may require a traffic study for subdivisions that will generate 200 or more average daily trips. A traffic analysis was completed as part of the Mullan BUILD project for buildout of the larger region that includes the subject property, so further analysis was not required for this subdivision. (*Mullan BUILD Technical Memorandum #4*)
11. Section 3-020.2 of the City Subdivision Regulations requires improvements to roads within and adjacent to a subdivision. Title 21, Section 6.3.A.3 states streets shall adhere to the pre-approved new or improved street sections provided in Section 6.7. Title 21, Section 1.3.E states that development shall comply with the City Subdivision Regulations, unless an exception (i.e. conflict) is provided in the form based zoning code. The street sections provided in the form based zoning code are more recently adopted and apply instead of the street sections provided in Table .2A of the City Subdivision Regulations.
12. Title 21, Section 6.3.A.1 states some dimensional flexibility is permitted for street types to account for varying right-of-way widths, however they shall be designed to have all the basic functional characteristics of the street type..

<u>Transportation Elements: Dougherty Drive</u>

13. Dougherty Drive is functionally classified as a neighborhood collector. Title 21, Section 6.7.I shows neighborhood collectors have a minimum 90-foot-wide right-of-way that includes two driving lanes, parking lanes, curbs and gutters, boulevard landscape zones with street trees, stormwater facilities, bike lanes, and sidewalks. The proposed Dougherty Drive right-of-way easement and street design within the subdivision contain the required elements and functional characteristics so substantially comply with the neighborhood collector street specifications. Staff recommended a condition of approval for Dougherty Drive within the subdivision to ensure compliance with the neighborhood collector requirements prior to final plat approval of Phase 1.
14. Section 3-020.4.D of the City Subdivision Regulations requires the subdivider to incorporate street connections to adjoining subdivisions and collector transportation corridors. Dougherty Drive is planned to connect to England Boulevard, a collector street. To meet the requirements of the Subdivision Regulations and to provide two ways in and out of the subdivision for public safety purposes, staff recommended a condition of approval requiring the subdivider to extend Dougherty Drive from the southern property boundary to connect with England Boulevard, and to provide two driving lanes with shoulders and a 10-foot multi-use path within the existing easement, prior to final plat approval for Phase 1, unless this work is already completed as part of another subdivision.
15. Section 3-010.1 of the City Subdivision Regulations requires the subdivision to comply with all applicable laws, ordinances, and regulations. Street lighting may be required on streets functionally classified as collectors. The Public Works & Mobility Department recommended

a condition of approval requiring the subdivider to provide plans for and install street lighting on Dougherty Drive, the collector street within the subdivision, in accordance with Section 7.4.10 of the Missoula Public Works Standards and Specifications Manual. Street light maintenance is planned to be paid for through City Road District 1.

Transportation Elements: Main Streets

16. Pine Butte Boulevard is planned to extend across the subject property from the Sapphire Place Subdivision to the western edge of the property. This street would run along the southern boundary of the subject property and northern property boundary of the adjacent property when that property is developed. A portion of Pine Butte Boulevard is located in proposed Phase 1 and a portion is located in proposed Phase 2.

17. Pine Butte Boulevard is functionally classified as a main street primary street. Title 21, Section 6.7.B shows main street primary streets require a minimum 76-foot-wide right-of-way that includes two 10-foot-wide drive lanes, parking lanes, curbs and gutter, landscaped boulevards, street trees, stormwater facilities, and sidewalks.

18. Because only the northern portion of Pine Butte Boulevard is planned to be located on the subject property, staff recommended a condition of approval requiring half-street improvements including a 12-foot wide sidewalk, 8-foot landscape zone, curb and gutter, a parking lane, and two 10-foot driving lanes within a 54-foot public right-of-way easement, as proposed by the subdivider, to be completed prior to each applicable phase.

Transportation Elements: Urban Streets

19. Roper Way is located in Phase 1 and is planned to extend south from Veterans Way to the Sapphire Place Subdivision. Roper Way is functionally classified as an urban secondary street. Title 21, Section 6.7.F shows urban secondary streets with a minimum 45-foot-wide right-of-way width that includes two driving lanes, curbs, a parking lane alternating with tree wells on one side, 6-foot-wide sidewalks, an 8-foot-wide boulevard on one side with alternating 7-foot wide planter boxes on the other, and stormwater retention. Staff recommended a condition of approval requiring Roper Way to be built as proposed in the Master Site Plans and Road Construction Plans submittals including a dedicated 60-foot right-of-way easement as shown on the preliminary plat. *(Section 3-020 City Subdivision Regulations, Title 21, Section 6.7.F)*

20. Ella Missoula Avenue is located in Phase 2 and is planned to be located along the western subdivision boundary, extending south from Veterans Way to the southern property boundary. Ella Missoula is functionally classified as an urban secondary street. The subdivider proposes half-street improvements including two driving lanes, an 8-foot parking lane alternating with tree wells, curb and gutter, and 6-foot sidewalk within a 43.5-foot right-of-way easement and public access and utility easement. Staff recommended a condition of approval requiring dedication of right-of-way and installation of these improvements prior to final plat filing of Phase 2. *(Section 3-020 City Subdivision Regulations, Title 21, Section 6.7.F)*

21. Veterans Way is planned to extend westward from the RMB Subdivision along the northern property boundary with a portion of the street on the subject property and a portion located on the adjacent property to the north when that property is developed. Portions of Veterans Way would be located in both Phases 1 and 2.

22. Veterans Way is functionally classified as an urban bike street. Title 21, Section 6.7.H shows urban bike streets require a minimum 74-foot-wide right-of-way width that includes two 10-foot-wide drive lanes, 8-foot parking lane, curb and gutter, 6-foot protected bike lanes, landscaped boulevards, and 6-foot sidewalks.

23. In order to meet the City Subdivision Regulations requirements for access and Title 21, Section 6.7.H, staff recommended a condition of approval requiring the subdivider to provide plans for and install half-street improvements for Veterans Way as proposed in the application submittal within a 57-foot right-of-way easement and public access and utility easement to be developed in two phases.

Transportation Elements: Woonerfs

24. John Edward Lane and Charles Liberty Lane are streets that are proposed to run north-south within the subdivision. John Edward Lane is located in proposed Phase 1 and Charles Liberty Lane is located in proposed Phase 2. Both streets are functionally classified as woonerf streets.

25. Title 21, Section 6.7.Q shows woonerf streets require a minimum 48-foot-wide right-of-way width that includes a 20-foot shared drive lane, a 7-foot-wide alternating parking lane on either side, curbs and gutters, 6-foot-wide sidewalks, and stormwater retention.

26. To meet the City Subdivision Regulations and Title 21, Section 6.7.Q, staff recommended a condition of approval requiring the subdivider to provide plans for and install both John Edward Lane and Charles Liberty Lane as shown on the preliminary plat and plans, with review and approval by Public Works & Mobility, prior to filing of each applicable subdivision plat phase.

Transportation Elements: Neighborhood Streets

27. Abner Grier Road is proposed to extend east to west across the subdivision within a 60-foot right-of-way easement. Portions of this street are proposed to be located within both subdivision phases.

28. Abner Grier Road is functionally classified as a neighborhood street. Title 21, Section 6.7.L shows Neighborhood Streets require a minimum 55-foot-wide right-of-way width that includes two 10-foot-wide drive lanes, curbs and gutters, a 7-foot-wide parking lane on one side, 8-foot-wide boulevards, 6-foot-wide sidewalks, and stormwater retention.

29. To meet the City Subdivision Regulations and Title 21, Section 6.7.L, staff recommended a condition of approval requiring the subdivider to provide plans for and install Abner Grier Road as shown on the preliminary plat and plans, with review and approval by Public Works & Mobility, prior to final plat filing of each applicable phase.

Transportation Elements: Alleys

30. Title 21, Section 6.3.F states, “A continuous network of alleys and rear lanes is desirable to serve as the primary means of vehicular ingress to individual lots. Such networks are mandatory in the T5, T4-O, and T4-R Transect Zones, and encouraged in the T3 Transect Zone.”

31. The subdivision provides a continuous network of alleys that would provide access to the lots, parking facilities, and to the rear of structures in compliance with Title 21, Section 6.3.F. The alleys are proposed to be within public access easements and maintained privately. *(Preliminary Plat, Master Site Plans)*

32. Title 21, Section 6.7.U shows that alleys require a minimum 24-foot-wide right-of-way width, including 18-foot-wide pavement and an inverted crown (valley gutter). In order to meet Title 21, Section 6.7.U, staff recommended a condition of approval requiring plans for and installation of improvements to alleys, including paving and stormwater facilitie, prior to final plat approval for each phase.

Transportation Elements: Non-Motorized & Trail Street

33. Trail A (shown on the Master Site Plans as Flynn Trail), is a planned multi-use pathway with a 10-foot paved surface and 12-fot planting strips along both sides within a 36-foot public right-of-way easement. This is considered a trail street in the Sxwtpqyen Form Based Code. Trail A is planned to extend across the subdivision from the Sapphire Place Subdivision to the western property boundary. Ultimately, this trail is planned to extend from the future Grant Creek Trail to Hellgate Elementary School. *(City of Missoula Development Map)*

34. Improvements to Trail A were designated with the Mullan BUILD project. Trail improvements are to be funded through the Sx^{w}tpqyen Area Special Transportation Impact Fees. Section 3-020.15.F.1 of the City Subdivision Regulations requires subdividers to construct trails depicted in local or neighborhood plans such as the Sxwtpqyen Area Master Plan.

35. The City does not anticipate having funding available to install improvements to Trail A in time for final plat approval. In order to meet Section 3-020.15.F.1 of the City Subdivision Regulations, staff recommended a condition of approval requiring the subdivider to install Trail A across the property boundary, including installing a street crossing across the portion of Ella Missoula Avenue to be developed for this subdivision, and to enter into an agreement if seeking reimbursement, prior to final plat approval. The agreement will address offsets to impact fees for installation costs trail improvements incurred by the subdivider, pursuant to Title 15.

36. A short stretch of trail street is located between Lots 16 and 17 at the eastern edge of the property. This segment is planned to continue a trail extension from the Sapphire Place and RMB Subdivisions to Mary Jane Boulevard. This segment would terminate at the sidewalk on the east side of Roper Way. The trail street is planned to have a 12-foot paved surface with 14-foot planting strips along the north and south sides within a 40-foot right-of-way easement, matching the specifications in the adjoining Sapphire Place Subdivision. Staff recommended a condition of approval to ensure development of this trail extension. *(3-020.15.F.1 City Subdivision Regulations, Preliminary Plat, Master Site Plans)*

Transportation Elements: Transit

37. Section 3-020.4.G of the City Subdivision Regulations states when development is adjacent to or within one quarter mile of an established public transit or school bus route, the subdivider may be required by the City Engineer to construct bus stop facilities along with accessible routes, meeting ADA standards, to those facilities.

38. City Engineering (Public Works & Mobility) will not be requiring the installation of bus stop facilities for this subdivision. The nearest Mountain Line bus stop is located approximately 800 feet from the subject property, at the intersections of Veterans Way and Mary Jane Boulevard. This bus stop serves Route 11. The subject property is not within ¼ mile of an established public transit route. (*Section B, Bus Route Map, Updated Mountain Line Routes*)

39. The subject property is not within the Missoula Urban Transportation District. As required in the City's annexation policy, the subdivider must petition to include the subject property within the Missoula Urban Transportation District. *(City Annexation Policy)*

40. The subject property is within the Hellgate Elementary and Middle School District as well as the Big Sky High School District. Hellgate School is within a 1-mile walk of the subdivision, located approximately 0.51 miles from the southeast corner of the subject property. (*County Property GIS*) The nearest school bus stop serving Big Sky High School is located at the intersection of England Boulevard and Mary Jane Boulevard, approximately 0.44 miles from the southeast corner of the subject property. (*Bus Map*)

Conclusions of Law:

1. City Council determined the Icon Apartment Homes at Dougherty Ranch Subdivision and Master Site Plan will meet the road improvement and non-motorized facility standards in the Missoula City Subdivision Regulations and Title 21 Form Based Zoning Code if the recommended conditions of approval are imposed.
2. City Council found the Icon Apartment Homes at Dougherty Ranch Subdivision and Master Site Plan provides active transportation facilities that provide safe routes to bus stops, open space, other neighborhoods, and all lots within the subdivision in compliance with Section 3-010.7 and 3-020.15.B.1.b of the City Subdivision Regulations if the recommended conditions of approval are imposed.

Rights-of-Way and Easements

Findings of Fact:

1. Section 3-020.3.B of the City Subdivision Regulations requires all streets within a subdivision to be dedicated public right-of-way or, at the City Engineer's discretion, may be a private street and public access with private maintenance easement. Title 21, Section 2.3.D.2.e states new streets and alleys/rear lanes shall be dedicated to the City and publicly owned. Section 3-060.1 of the City Subdivision Regulations requires easements to be provided for utilities, drainage, watercourse, channel, ditch, stream, vehicular, and pedestrian access.
2. All streets and alleys in the subdivision are proposed to be dedicated public right-of-way or within public access easements. All utilities and drainage facilities are located within easements. (*Preliminary Plat, Grading, Drainage, and Civil Construction Plans*)
3. In order to comply with Sections 3-020.3.B and 3-060.1 of the City Subdivision Regulations and Missoula City Public Works and Specifications Manual, staff recommended a condition of approval requiring all proposed rights-of-ways and easements to be shown on the face of each plat and identified for their width, purpose, and the recorded book and page numbers.

Conclusions of Law:

1. City Council concluded the Icon Apartment Homes at Dougherty Ranch Subdivision will meet the easement and right-of-way requirements of Sections 3-020.3.B and 3-060.1 of the City Subdivision Regulations, and Title 21, Section 2.3.D.2.e, if the recommended conditions of approval are imposed.

Drainage

Findings of Fact:

1. Section 3-040 of the City Subdivision Regulations provides minimum standards for site grading and control of stormwater runoff.
2. Section 3-040.2.E of the City Subdivision Regulations states all drainage systems must meet the minimum standards of the Montana Department of Environmental Quality (DEQ), as required by MCA Title 76, Chapter 4 and 5, Part 1, as amended, and all applicable state and local regulations.
3. Section 5-020.11 and 3-040 of the City Subdivision Regulations require the subdivider to submit grading and drainage plans showing proposed grades of streets, proposed drainage facilities, and a storm water pollution prevention plan for all lots, blocks, and other areas meeting DEQ standards, subject to the review and approval of the City Engineer. All drainage facilities must be constructed in accordance with the approved plans.

4. The subdivision application includes a Preliminary Grading Drainage Engineering Design

Report that evaluates pre- and post-development conditions. Additionally, a Preliminary Stormwater Prevention Pollution Plan has been provided. Stormwater is proposed to be managed onsite by using a combination of shallow infiltration and stormwater retention ponds. (*Preliminary Grading Drainage Engineering Design Report and SWPPP*)

5. In order to comply with Section 5-020.11 of the City Subdivision Regulations, staff recommended a condition of approval requiring the subdivider to provide plans for and installation of grading, drainage, and stormwater facilities, subject to review and approval by DEQy and Public Works & Mobility, prior to final plat approval for each phase.

Conclusions of Law:

1. City Council determined the Icon Apartment Homes at Dougherty Ranch Subdivision will meet the grading and drainage standards of the City Subdivision Regulations and the DEQ, as well as the light imprint storm drainage requirements of Title 21 Zoning Code, if the recommended conditions of approval are imposed.
2. City Council determined that final grading, drainage, and stormwater plans will be reviewed and approved by Public Works & Mobility prior to final plat approval of each phase if the condition of approval is imposed.

Water Supply, Sewage Disposal, and Solid Waste

Findings of Fact:

1. Section 3-010.5 of the City Subdivision Regulations requires subdivisions to be served by adequate public facilities and services including water supply, sewage disposal, and solid waste disposal.
2. The subject property is within the Utility Services Area Boundary. (*City Central Maps*)
3. The subdivision application materials include a water and sanitation report and a utility layout exhibit describing and showing water and sewer facilities proposed to serve the future development. A new water main is proposed to be extended west between Lots 16 and 17 from an existing water main in a 40-foot public access and utility easement. The subdivision is proposed to connect to an existing gravity fed sewer main which flows west through the property. Due to site topography, the proposed gravity main will require a lift station and force mains. *(Master Site Plans, Water and Sanitation Report*)
4. In order to comply with Section 3-010.5 of the City Subdivision Regulations, staff recommended a condition of approval requiring the subdivider to provide plans for and installation of water supply and sewage disposal facilities for review and approval by Public Works and Mobility, City/County Health Department, and Montana Department of Environmental Quality, prior to final plat approval for each phase.
5. Section 3-070.1 of the City Subdivision Regulations states the means for solid waste disposal is subject to approval of the City Council. Republic Services is expected to provide solid waste disposal service to the subdivision. *(Page 27, Subdivision Application*) Staff recommended a condition of approval requiring the subdivider to submit plans for solid waste disposal for review and approval by City/County Health Department, DEQ, and Public Works & Mobility prior to final plat approval for each phase.

Conclusions of Law:

1. City Council found public sewer and water services are available to the subdivision and will be in compliance with the City Subdivision Regulations, if the conditions of approval are imposed.

2. City Council found solid waste disposal service will be available to the subdivision and will comply with the City Subdivision Regulations, if the conditions of approval are imposed.
3. City Council found that review of water supply, sewage disposal, and solid waste is under jurisdiction of state and local health authorities under the Montana Sanitation and Subdivision Act.

Parks and Recreation

Findings of Fact:

1. Title 21 Section 2.1.C requires dedication of open space (parkland) equal to 11% of the net lotted area (does not include street rights-of-way) or 0.02 acres per dwelling unit, to a maximum of 10 dwelling units, whichever is greater. Under Title 21, the open space requirements are calculated based on the maximum allowable densities of each transect zone within the subdivision. The methods for calculation are clarified in a 2022 Zoning Officer Opinion. (*Master Site Plans, Zoning Officer Opinion #22-04*)
2. The preliminary plat and master site plans show 13 open spaces / parkland areas totaling 5.4 acres. The open spaces vary in size ranging from a pedestrian access strip of 0.06 acres to a 2.77-acre area located in the southwest corner of the subdivision. The 2.77-acre area is also located in the Missoula Airport's Extended Departure and Arrival Area, where Title 21 Section 2.1.E encourages open space uses and discourages dense residential development.
3. The master site plans parkland dedication exhibit identifies the smaller open spaces (O.S. #2, O.S. #4, etc.) as 'pocket parks,' intended to provide recreation amenities and landscaped open play areas. Pocket parks can include a small dog park, playground, community garden, or small pavilion for neighborhood events, among other uses. (*Page 76, Sxwtpqyen Master Plan*)
4. The master site plans submitted with the application include a conceptual landscape plan showing recreational amenities and potential outdoor amenity features. The application states all open space areas will be privately installed and owned, with maintenance performed by a property management company. *(Page 33)* As per Sxwtpqyen Form Based Code Section 3.11.C.2a., all designated open spaces shall be accessible to the public. Staff recommended conditions of approval to address these project elements.
5. City Subdivision Regulations Section 3-080 provides specific parameters for land that qualifies as meeting the parkland dedication requirements. The subdivider and the City Parks & Recreation Department worked together to determine nine open space areas meet the City's requirements, as shown on the master site plan parkland dedication exhibit.
6. Based on the parkland dedication requirements described in (1) above, 5.64 acres of parkland, cash in-lieu of parkland, or a combination of land and cash is required in this subdivision. In total, the application states 4.68 acres of parkland is to be provided and 0.78 acres of cash equivalent will be provided. Within Phase 1, 0.91 acres of open space are provided while 2.52 acres are required. Within Phase 2, 3.12 acres are required while 3.95 acres are provided. Staff recommended conditions of approval to provide for parkland dedication as required in the City Subdivision Regulations and Title 21.
7. In past phased subdivisions (e.g., Heron's Landing) when more land is dedicated in an early phase than required, City staff and developers have formulated a written agreement to keep track of parkland accounting and set up a mechanism for possible reimbursement to the subdivider as subsequent phases 'catch up' with the total parkland dedication requirement. Staff recommended a condition of approval to address this issue.

8. Staff also recommended a condition of approval requiring plans for and installation and maintenance of improvements to all open spaces, including but not limited to: grading, application of topsoil, installation and maintenance of commercial grade irrigation system, installation and maintenance of turf grass and dryland seed or sod, and installation and maintenance of park trees in compliance with Sections 5-020.14.H and 5-020.14.K.10 of the City Subdivision Regulations.
9. Section 5-050.5.C of the City Subdivision Regulations requires the subdivider to submit a boulevard landscaping plan. Preliminary plans for boulevard landscaping are provided in the preliminary construction plans. Staff recommended a condition of approval requiring the subdivider to submit final plans for boulevard landscaping prior to final plat approval of each phase and to acquire boulevard landscaping permits prior to building permit approval in accordance with the Missoula Parks and Recreation Design Manual.

Conclusion of Law:

1. City Council concluded that the parkland / open space dedication is required in this subdivision in accordance with Title 21 Zoning Code and the City Subdivision Regulations. The subdivision, as proposed, will meet the parkland / open space dedication requirements if the conditions of approval are imposed.
2. City Council found the City Subdivision Regulations require plans for and installation of boulevard and common area landscaping, which will be reviewed and approved prior to final plat approval for each phase if the recommended conditions of approval are imposed.

Schools

Findings of Fact:

1. The subject property is within the Hellgate Elementary and Middle School and Big Sky High School districts. (*Subdivision Application*)
2. As part of the subdivision review process, inquiries requesting comments on potential impacts to school resources and facilities were sent to the Superintendent and the Operations and Maintenance Supervisor of the Missoula County Public Schools and the Superintendent of Hellgate Elementary School. No comments were received.

Conclusion of Law*:*

1. City Council found that no adverse impacts to schools requiring mitigation have been identified.

Fire Department

Findings of Fact:

1. The Missoula City Fire Department will serve the subdivision. The nearest station is located approximately 6.7 miles from the subject property. *(Page 31, Subdivision Application).*
2. Subdivision Regulations Section 3-070.1 requires that water supply for fire protection be provided via a public or community water system with 1,000 gallons per minute minimum flow, or via residential sprinkler systems.
3. Water supply for fire protection for this subdivision is planned to be supplied via new fire hydrants, proposed to be installed with each phase. A fire hydrant layout exhibit was provided with the subdivision application.
4. In order to comply with Section 3-070.1 of the City Subdivision Regulations, staff recommended a condition of approval requiring the subdivider to provide plans for fire suppression water flow and hydrant placement, prior to final plat approval for each phase.

5. The Missoula City Fire Department regularly requires an addressing system to be developed that conforms to the addressing requirements of the city. All new buildings are assigned an address at the time of building permit approval, and are required to meet City standards for signage. (3-010.1.F, *City Subdivision Regulations*)

Conclusion of Law:

1. City Council determined that fire service is available to the subdivision if the recommended conditions of approval are imposed.

Law Enforcement

Findings of Fact:

1. Upon annexation, the subdivision will be located within the jurisdiction of the Missoula Police Department.
2. The Missoula Police Department did not provide comments on the subdivision or annexation requests.

Conclusion of Law:

1. City Council determined that law enforcement service is available to the subdivision.

CRITERIA D, E AND F: EFFECTS ON THE NATURAL ENVIRONMENT AND WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

Natural Environment

1. City Subdivision Regulations Section 5-020.6.D states the subdivider must identify natural and cultural resources and evaluate the subdivision's likely impacts on those resources including adjacent public lands, cultural resources, hydrological characteristics, soil characteristics, and vegetative cover types.
2. The subject property is not adjacent to public lands containing natural resources *(Pg. 13, Subdivision Application*).
3. The subject property is currently vacant and does not contain any surface water features, riparian vegetation, wetlands, critical plant communities, or steep slopes. (*Master Site Plans, Subdivision Application*) The subject property is located within floodplain designation Zone X, area of minimal flood hazard. (*FEMA Map Service Center*)
4. The subject property currently contains a uniform soil type throughout the area. (*Vegetation Exhibit, NRCS Custom Soils Report*) The project site consists of a mix of grasses with large patches of noxious weeds and no trees. The existing vegetation will not be preserved. No known critical plant communities exist on site. *(Page 17, Subdivision Application*).
5. Subdivision Regulations Section 3-010.1F requires the subdivision to comply with other regulations applicable to the land proposed for subdivision.
6. The Missoula County Noxious Weed Management Plan, adopted by City Council Resolution 2012-063, requires a weed management plan as part of subdivision plans.
7. The application packet includes a weed management and revegetation plan. The weed management plan recommends herbicide treatments for the noxious weeds and revegetation of disturbed areas with red fescue and perennial rye grass. (*Weed Management and Revegetation Plan*) Staff recommended a condition of approval requiring the subdivider to append the Weed Management and Revegetation Plan to the Development Covenants, prior to final plat approval.

8. A Biological Assessment was conducted as part of the Mullan BUILD Project and was included in the application packet. (*HDR Biological Assessment*) The subject property is within the Mullan BUILD area which was assessed for environmental impacts prior to development of the Sx^{w}ptqyen Master Plan and Title 21 Form Based Zoning Code for the area.
9. The application packet indicates the property may be in the range of Grosbeak, Western Spotted Skunk, Rufous Hummingbird, Little Brown Myotis, North American Porcupine, American Wolverine, Grizzly Bear, Yellow-billed Cuckoo, Loggerhead Shrike, Bald Eagle, Panic Grass, Pale-Yellow Jewel-Weed, Whitebark Pine, Pointed Brown Sedge, and Columbia Watermeal. The covenants include information for lot purchasers about living with wildlife and advises lot owners of potential issues associated with wildlife concerning pets, garbage, and other potential areas of conflict. (*Subdivision Application, Proposed Draft Covenants*)
10. The parcel is currently vacant. No historical or cultural resources are located on the subject property. No historic or cultural resources will be disturbed as a result of the proposed subdivision. *(Subdivision Application)*

Conclusion of Law:

1. City Council determined that minimal impacts to the natural environment and wildlife habitat are foreseen as a result of this subdivision if the recommended conditions of approval are imposed.

CRITERION G: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. Section 5-020.6.G of the City Subdivision Regulations states the subdivider must demonstrate the proposed subdivision will have no adverse impact on conditions that relate to public health and safety including disease control and prevention, emergency services, environmental health, flooding, fire or wildfire hazards, rock falls or landslides, unstable soils, steep slopes and other natural hazards, high voltage lines or high pressure gas lines, on-site or nearby off-site land uses that create nuisance (e.g. noise, dust, smoke, unpleasant odors), and are or vehicular traffic safety hazards.
2. The subject property does not contain steep slopes, floodplain, unstable soils, high voltage lines, or high-pressure gas lines. (*FEMA Map Service Center, Subdivision Application, Master Site Plans, Personal Observation*)
3. The subject property is located within an air stagnation zone. The development covenants include language stating no wood burning devices of any type shall be permitted or used within the subdivision and all lot owners shall abide by laws and regulations relating to air pollution. (*Proposed Development Covenants*)
4. A groundwater modeling study was provided in the application packet. The groundwater modeling study shows the depth to the groundwater in this area has the potential to reach 6 to 10 feet below ground surface. *(Cumulative Effects Analysis Groundwater Modeling Study)*
5. Staff recommended a condition of approval requiring a note on the plat and in the covenants stating, “Basements shall be prohibited in all phases of this development until such time as the developer provides sufficient evidence to the City of Missoula Public Works & Mobility Department that no threat to the public safety or loss of property will result due to groundwater in those area proposed for basements”.
6. For findings of fact on provision of emergency services, see Criterion C of this document. For findings of fact and mitigation related to nuisances created by off-site agriculture, see Criteria A and B of this document.

7. The subject property is within the Airport Influence Area, which is an overlay established to promote public health, safety, and general welfare, to protect the lives and property of users of the airport and of occupants of land in its vicinity, and to preserve the utility of the airport and the public investment in it. *(Airport Influence Area Resolution, Title 21 Figure 2-1, Master Site Plans, Missoula Airport Agency Comment)*
8. Agency comment from the Missoula Airport Authority includes an objection to this application, citing potential incompatibility of a runway and airport use with residential development due to potential impacts related to noise, potential safety with aircraft flying overhead, possible electronic interference, and potential interaction between aircraft and wildlife. *(Letter from Dan F. Neuman, 11/18/22)*
9. Staff recommended conditions of approval requiring the subdivider to obtain an avigation easement in compliance with the Airport Influence Area Resolution and to place a statement on the plat noting the subject property is within these areas and apprising lot owners of associated risks. *(Title 21 Figure 2-1,Master Site Plans, Missoula Airport Agency Comment)*
10. The southwestern portion of the property is located within the Missoula Airport Extended Arrival and Departure Area (EADA) where additional requirements apply to development. Within the EADA zone, there is a maximum residential density of four dwelling units per acre and a requirement that residential development be clustered so that at least 50% of the master site plan area within the EADA zone is open space. (2.1.E.2, *Title 21 Zoning Code*) The master site plan states the density is 3.39 dwelling units per acre in the EADA zone. Lots zoned for development in the EADA zone are clustered so that 78% of the master site plan area within the EADA zone is open space. (*Master Site Plans*)

Conclusion of Law:

1. City Council concluded that no adverse impacts to public health and safety are likely as a result of this subdivision if the recommended conditions of approval are imposed.

C. PRIMARY CRITERIA COMPLIANCE

This subdivision complies with:

1. SURVEY REQUIREMENTS

Findings of Fact:

1. The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.
2. City Subdivision Regulations Section 4-070 includes a process to ensure final plats contain all necessary seals and certificates prior to filing and comply with state survey requirements.

Conclusion of Law:

1. City Council found this proposal meets the survey requirements.

2. SUBDIVISION REGULATIONS

Findings of Fact

1. Subdivisions are required to comply with the local subdivision regulations provided for in Part 5 of M.C.A. 76-3.

Conclusion of Law:

1. City Council found the plat and plans will be brought into compliance with the local subdivision regulations if the conditions of approval are imposed.

3. REVIEW PROCEDURE

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in Article 4 of the Missoula City Subdivision Regulations.
2. Notice of a public hearing on this subdivision was posted on the property on July 13, 2023 and letters were mailed to adjacent property owners on June 28, 2023. Legal notice was published in the Missoulian on July 29, 2023 and August 5, 2023.
3. The public hearing before the Missoula Consolidated Planning Board took place on August 15, 2023 at 6 pm. The public hearing before the City Council took place on August 21, 2023 at 6 pm.
4. City Council gave final consideration to this subdivision on August 28, 2023. The 80-working day review period for this subdivision expired on September 7, 2023.

Conclusion of Law*:*

1. This subdivision review followed the necessary application procedure and has been reviewed within the procedures provided in Article 4 of the Missoula City Subdivision Regulations and the Montanan Subdivision and Platting Act.

D. PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

1. Section 3-020.3 requires that perpetual legal access to subdivisions must come from an established public road or by a public perpetual access easement or right-of-way adequate to serve the subdivision.
2. Legal and physical access would be provided to the subdivision via Veterans Way, an existing public street. Additional new access to the lots would be provided via Dougherty Drive and seven new public rights-of-way, which are planned to be dedicated to the public for ongoing maintenance. (*Preliminary Plat*)
3. A condition of approval is recommended to include a Special Improvement District statement on the plat and in the covenants to provide for ongoing maintenance through a road district if necessary.

Conclusion of Law:

1. City Council found the subdivision proposal meets the physical and legal access requirements of the Subdivision Regulations.

REFERENCES CITED

The following materials are referenced throughout this document. For ease of reading, short versions of the citations (shown in bold) are used in-text, and full citations are included here.

Plans and Regulations

M.C.A.: Montana Code Annotated, 2021
https://leg.mt.gov/bills/mca/title_0760/chapters_index.html

Subdivision Regulations**:** *City of Missoula Subdivision Regulations,* adopted by the Missoula City Council and amended on July 18, 2022
https://www.ci.missoula.mt.us/DocumentCenter/View/58232/Missoula-City-SubdivisionRegulations2022-Amend?bidId=

Annexation Policy, adopted July 22, 2019
http://www.ci.missoula.mt.us/DocumentCenter/View/50374/July-23_Annexation-Policyas-Amended?bidId=#:~:text=City%20annexation%20provides%20a%20united,addressing%20community%20goals%20and%20values.

Title 21, Zoning Code, adopted December 14th, 2020 https://ehq-production-us-california.s3.us-west-1.amazonaws.com/820664ae4da9d4c9bda26447e634000203b170a4/original/1607714649/Mullan_FBC_FINAL-DRAFT_2020-12-10-RFS.pdf_8f9b839f173b7c586b82484c55447b9a?X-Amz-Algorithm=AWS4-HMACSHA256&X-Amz-Credential=AKIA4KKNQAKICO37GBEP%2F20221130%2Fus-west1%2Fs3%2Faws4_request&X-Amz-Date=20221130T103943Z&X-Amz-Expires=300&XAmz-SignedHeaders=host&X-Amz-Signature=a0191e48caffbdf79e469e95f5a4cfb582a23eed2edf6263fc9ce231ebe40b90

Missoula Public Works Standards and Specifications Manual, amended December 1, 2022 http://www.ci.missoula.mt.us/2708/Public-Works-Standards-Specifications-Ma

Elements of the Application Packet for Governing Body Review

Table of Contents

Agency Comments

Ben Schmidt, Missoula City-County Health Department, 9/19/22

Dan Neuman, Missoula Airport Authority, 11/18/22

Lynn Fagan, Missoula Airport Authority, 4/10/23

Randy Arnold, Montana Fish, Wildlife, & Parks, 4/3/23

Jordan Johnson, Blackfoot Communications, 3/23/23

James Fivecoats, Montana Department of Revenue, 4/6/23

Reviews

1st Element Certified

1st Sufficiency Review

2nd Sufficiency Review

3rd Sufficiency Review

4th Sufficiency Certified

Section A

Preliminary Plat Review Fee

Project Summary

Major Subdivision Application

Preliminary Plat

Master Site Plan
Scale & Character Illustration Exhibit
FBC Checklist
Annexation Petition
Illustrative Plan
Variance Request

Section B
Vicinity Map
Zoning Map and Zoning District Standards
Comprehensive Plan and Land Use Map
Aerial Map
Wildland Urban Interface Locator
USGS Topographic Map
Flood Plain Map Compiled
Bus Map
Adjacent Properties and Ownership Map
Vegetation Exhibit
Wildlife Exhibit

Section C
Ownership Deeds
COS and Prior Subdivision History
Draft Covenants, Icon Apartment Homes
Weed Management and Revegetation Plan

Section D
Water and Sanitation Report
Water Rights Abstract
NRCS Farmland Classification Soils Map and Soils Report
Road Atlas Worksheet
Road Construction Plans
Grading and Drainage Engineering Design Report
Utility Construction Plans
Hydrant Layout Exhibit
Cumulative Effects Analysis – Groundwater Modeling Study
HDR Biological Assessment

HDR Cumulative Effects Analysis
HDR Aquatic Resources Report
HDR Cultural Resources Inventory Report
MBMG Geologic Conditions Exhibit
Natural Heritage Program Species of Concern Report
Potentiometric Surface Exhibit
Transportation Study

Section E
Neighborhood Meeting Letter, Minutes, and Address List
State Historic Preservation Office (SHPO) Documents
School Inquiry

Other References
Missoula County Property Information System
https://gis.missoulacounty.us//propertyinformation/
City Central Maps
https://missoulamaps.ci.missoula.mt.us/portal/apps/sites/#/gis
FEMA Map Service Center
https://msc.fema.gov/portal/home
Mullan BUILD
https://www.mullanbuild.com/improvements-1
City of Missoula Resolution 8502
https://www.ci.missoula.mt.us/DocumentCenter/View/55978/Resolution-8502

SUBDIVISION ATTACHMENT A
SUBDIVISION PROJECT HISTORY

Project: Icon Apartment Homes Subdivision, Sxʷtpqyen Master Site Plan, and Annexation
Applicant: Braxton Development, LLC.
Representative: IMEG Corp.

Pre-application Meeting: Scoping Meeting 12/9/2021; Pre-application Meeting 5/11/2022.
Element: Submitted 8/26/2022; Complete 9/2/2022.
1st Sufficiency: Submitted 9/12/2022; Insufficient 10/3/2022.
2nd Sufficiency: Submitted 11/15/2022; Insufficient 12/07/2022.

3rd Sufficiency: Submitted 3/17/2023; Insufficient 4/13/2023.

4th Sufficiency: Submitted 5/3/2023; Sufficient 5/16/2023.

Start Governing Body Review: 5/17/2023.

80-day Deadline: 09/07/2023

Extension Granted: No.

City Council Consent Agenda: 08/07/2023

Planning Board: 08/15/2023

Land Use and Planning Committee: 08/09/2023; 08/23/2022

City Council Public Hearing: 08/21/2023

City Council Final Consideration: 08/28/2023

Public Notice: Posted 07/13/2023; Adjacent Property Owner Letters Sent June 28, 2023; Legal Ad in Missoulian 07/29/2023 and 08/05/2023.

EXHIBIT A: ANNEXATION MAP